MJP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Israel GARCIA-Rodriguez,** Defendant	Magistrate Docket No. '08 MJ 0064
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 7, 2008** within the Southern District of California, defendant, **Israel GARCIA-Rodriguez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF **JANUARY 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

M/P

CONTINUATION OF COMPLAINT:
Israel GARCIA-Rodriguez

PROBABLE CAUSE STATEMENT

On January 8, 2008 Senior Patrol Agent F. Gaspar was assigned line watch duties in Tecate, California. At approximately 3:05 PM SPA Gaspar responded to sensor activation in an area known locally as "Tecate Flats". This area is located approximately 100 yards west of the port of entry at Tecate, California and approximately one mile north of the United States/Mexico international boundary line. This area is a notorious alien smuggling corridor and is used to further the illegal entry of aliens into the United States.

After searching the immediately area Agent Gaspar found ten individuals attempting to conceal themselves in a creek bed. Agent Gaspar approached the group and identified himself as a Border Patrol Agent. Agent Gaspar then queried the group as to their immigration status. All ten, including the defendant Israel GARCIA-Rodriguez, admitted to being citizens and nationals of Mexico illegally present in the United States. At 3:15 PM Agent Gaspar placed all ten individuals under arrest and transported them to the Border Patrol Checkpoint on State Route 94 in Jamul. California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 3, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits that he is a citizen and national of Mexico illegally present in the United States. The defendant admits to entering the United States illegally on January 7, 2008 at approximately 3PM through the mountains near Tecate, California. The defendant admits to being previously deported to Mexico five months ago and that he did not receive permission to re-enter the United States. The defendant claimed he entered the United States to find work.